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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/668,773

09/22/2003

Andreas Birkenfeld

4100-323

3309

27799

7590

06/21/2007

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EXAMINER

BLAKE, CAROLYN T

ART UNIT

PAPER NUMBER

3724

MAIL DATE

DELIVERY MODE

06/21/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/668,773

Applicant(s)

BIRKENFELD ET AL.

Examiner

Carolyn T. Blake

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3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 2, 2007 has been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 103***

3. Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meschi (5,720,223) in view of Faltin (3,889,939).

Meschi discloses a method of cross-cutting a web (1) having a repeated sequence of at least two printed pages with different heights (1a, 1b, 1c, 1d) substantially as claimed, including: printing (printing heads 2, 3) a web (1) with the repeated sequence of at least two printed pages with different heights; moving the printed web (1) in a running direction so that the printed web is supplied at an approximately constant web speed to a cross-cutting device (12) comprising a cutting cylinder (13) having at least one cutting knife (16) and being driven by a cutting cylinder motor (15) to rotate about an axis parallel to a cross-cutting line, the cutting cylinder motor being controlled by a computer and storage unit (24); cutting the printed web

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transversely to said running direction successively to form different sheets corresponding to at least two printed pages with different heights (1a, 1b, 1c, 1d).

Meschi fails to expressly disclose the printing mechanism is a printing press having a plate cylinder, or that the sequence of pages is printed for each rotation of the plate cylinder. However, Faltin discloses a method of cross-cutting a web (18) comprising a web-fed rotary printing press (10) having a plate cylinder (30, 32) driven by a plate cylinder motor, wherein the repeated sequence of pages is printed for each rotation of the plate cylinder. This arrangement provides smooth operation of the device by synchronizing the movement of the printing press and the cross-cutting device. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to print a sequence of pages for each rotation of the plate cylinder in order to provide smooth operation of the device through synchronization of the printing press and the cross-cutting device.

To the extent it can be argued that Meschi does not disclose a repeated sequence of pages, the Meschi device is clearly capable of printing any sequence of pages, including the one disclosed by Applicant, based on the desires of the user. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to print the web of the Meschi method with a repeated sequence of at least two printed pages with different heights in order to create a sequence of pages desired by the user.

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4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meschi (5,720,223) in view of Faltin (3,889,939) as applied to claim 11 above, and further in view of Jumel et al (4,620,466).

The modified Meschi method fails to teach an unwind device. However Jumel et al disclose an unwind device (42) used in a cutting machine. The unwind device saves space in comparison to a rotary press. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an unwind device, as disclosed by Jumel et al, with the modified Meschi method for the purpose of saving floor space.

#### ***Response to Arguments***

5. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T. Blake whose telephone number is (571) 272-4503. The examiner can normally be reached on Monday to Thursday, 7:00 AM to 5:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CB

CB

June 12, 2007



BOYER D. ASHLEY  
SUPERVISORY PATENT EXAMINER